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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,656	06/13/2002	Carsten Woerner	1999/G-020	2826

7590 11/09/2004  
Connolly Bove Lodge & Hutz  
P O Box 2207  
Wilmington, DE 19899-2207

EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/088,656

Applicant(s)

WOERNER ET AL.

Examiner

Katarzyna Wyrozebski

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 11-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

In view of applicant's response dated 8/16/2004 following final office action is necessitated.

***Rejection under 35 U.S.C. §112***

During the updated search the examiner incorporated term "white goods sector" into search engine and came up with only one heat. Resulting patent was directed to plant for an automated mounting of a door in automobile. Therefore term "white good sector" is still viewed as indefinite.

***Double Patenting Rejection***

With respect to the applicants' arguments, the double patenting rejection as stated in the first office action on the merits is considered proper for following reasons. Compounds that are most widely utilized as light stabilizers are big compounds that include hindered phenols and hindered amines. With respect to the amounts, claim 6 as applicants pointed out do disclose the amount of stabilizer that encompasses the present invention.

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 11-26 are rejected under 35 U.S.C. 102(e) as being anticipated by KURZ (US 6,489,388)

The discussion of the disclosure of the prior art of KURZ from paragraph 6 of the first office action dated 4/13/2004 is incorporated here by reference.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over HORIO (US 6,147,146) in view of TAKAYAMA (US 6,284,828).

The discussion of the disclosure of the prior art of HORIO and TAKAYAMA from paragraph 10 of the first office action dated 4/13/2004 is incorporated here by reference.

5. In the response dated 8/16/2004 the applicants argued following:

a) KURZ does not require component D, let alone in the amount of 0.01-1%. In addition the light stabilizer of KURZ is not nitrogen containing stabilizer.

While examiner agrees with the applicant that component D is not required, component D it is clearly envisaged, taught and disclosed. Even to a greater extent in the claim 6 pointed out by the applicant and with amounts much narrower. Such claim 6 renders this rejection an anticipation rejection. With respect to the applicant's arguments about stabilizers not having nitrogen atom, the applicants are requested to look into col. 2 of KURZ, specifically lines 54-56, wherein the light stabilizer is benzotriazole compound. This compound does not have one nitrogen, but three of them.

b) The disclosure of KURZ and present invention is commonly owned by TICONA GMBH.

Statement of common ownership can only overcome 103 rejection. The rejection over the prior art of KURZ is a 102 rejection.

c) Prior art of HORIO discloses 25 pigments, and none of the examples disclosed utilize zinc oxide, therefore the specific combination as claimed by the present invention is not disclosed in HORIO.

With respect to the above argument, the examiner, when considering the prior art disclosure, can not limit the teachings to the examples alone, but has to consider the prior art in its entirety. The fact that the examples do not disclose zinc oxide has no bearing on applicability of HORIO against present claims. The fact that there are 25 pigments disclosed, does not mean zinc oxide can not be utilized. Zinc oxide is clearly envisaged by the prior art of HORIO and

therefore obvious to use. The examiner would like to point out that zinc oxide is referred to by HORIO as inorganic filler.

d) TAKAYAMA does not disclose polyoxymethylene composition of the present invention.

TAKAYAMA discloses polyacetal resin, and at the same time, polyoxymethylene is considered polyacetal by TAKAYAMA. As applicants pointed out correctly, the prior art of TAKAYAMA was utilized for recitation of the amount of the zinc oxide. The examiner also would like to point out that TAKAYAMA utilizes zinc oxide as inorganic filler, which is the same purpose as that disclosed in HORIO. Therefore it would have been obvious to utilize zinc oxide in HORIO in the same amount as in TAKAYAMA. The polymers are the same therefore the same effect should be expected.

e) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

f) The applicants have amended claim 24 to recite that the molding composition of present invention is resistive to aggressive acid containing species.

Such amendment is a property of molding composition that results from given composition. Therefore if the prior art of record meets the composition it also meets the property.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

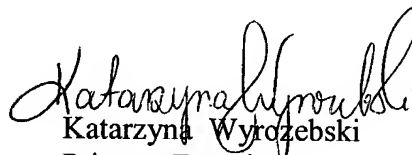
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Katarzyna Wyrozebski  
Primary Examiner  
Art Unit 1714

November 4, 2004